

PRODUCT: 200 100-pound bags of cracker meal at Austin, Ind.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 18, 1953. Default decree of forfeiture. The court ordered that the product be delivered to a charitable institution, for use as stock feed.

FEEDS AND GRAINS

20512. Alleged misbranding of animal feed. U. S. v. Gwinn Bros. & Co. Plea of not guilty. Tried to the court and jury. Directed verdict by the court of not guilty on count 2; jury verdict of not guilty on count 1. (F. D. C. No. 31085. Sample Nos. 39378-K, 39380-K.)

INDICTMENT RETURNED: October 19, 1951, Southern District of West Virginia, against Gwinn Bros. & Co., a corporation, Huntington, W. Va.

ALLEGED SHIPMENT: On or about June 1 and September 13, 1950, from the State of West Virginia into the State of Kentucky.

LABEL, IN PART: (Tag) "Banner 16% Dairy Feed" and "Wheat Red Dog."

NATURE OF CHARGE: Count 1. Misbranding, Section 403 (a), certain label statements with respect to the protein, fat, and fiber content of the article designated as "Banner 16% Dairy Feed" were charged to be false and misleading in that the article contained less than the declared amounts of 16 percent protein and 3 percent fat and more than the declared amount of 15 percent fiber.

Count 2. Misbranding, Section 403 (a), certain label statements with respect to the protein and fat content of the article designated as "Wheat Red Dog" were charged to be false and misleading in that the article contained less than the declared amounts of 16 percent protein and 4 percent fat.

DISPOSITION: The defendant having entered a plea of not guilty, the case came on for trial before the court on October 26, 1953. At the conclusion of the testimony and pursuant to a motion by the defendant, the court directed the jury to return a verdict of not guilty on count 2. The charge in count 1 was submitted to the jury, and, after due deliberation, a verdict of not guilty was returned as to that count.

20513. Adulteration of dairy feed. U. S. v. Marion F. Arnold (Arnold Elevator Mills). Plea of guilty. Fine of \$10, plus costs. (F. D. C. No. 35186. Sample No. 32847-L.)

INFORMATION FILED: October 14, 1953, Western District of Missouri, against Marion F. Arnold, trading as the Arnold Elevator Mills, Butler, Mo.

ALLEGED SHIPMENT: On or about April 16, 1953, from the State of Missouri into the State of Kansas.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a food containing less than 18 percent of crude protein had been substituted in whole or in part for a food containing not less than 18 percent of crude protein, which the article was represented to be.

DISPOSITION: October 26, 1953. A plea of guilty having been entered, the court fined the defendant \$10, plus costs.